

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3 Shannon Carter,

Case No.: 2:18-cv-00452-APG-BNW

4                                   Plaintiff,

**Order**

5 v.

6 James Dzurenda et al.,

7                                   Defendants.

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9           On May 15, 2019, I dismissed this case with prejudice and entered judgment accordingly  
10 because plaintiff Shannon Carter failed to timely file his updated address with this court as  
11 directed by the April 26, 2019 order. ECF Nos. 9, 12, 13. That same day, the court received  
12 Carter's notice of change of address. ECF No. 14.

13           In its April 2019 order, Magistrate Judge Leen directed Carter to file his updated address  
14 on or before May 10, 2019. ECF No. 9. Carter's notice of change of address contains a  
15 certificate of service dated May 1, 2019. ECF No. 14 at 2. Carter's notice of change of address  
16 is timely under the prison mailbox rule. *See Douglas v. Noelle*, 567 F.3d 1103, 1109-10 (9th Cir.  
17 2009) (holding that the prison mailbox rule established in *Houston v. Lack*, 487 U.S. 266 (1988)  
18 applies to § 1983 actions filed by pro se prisoners and that a document is deemed filed at the  
19 time the prisoner delivers the document to prison officials or deposits it in a prison mailbox). As  
20 such, I vacate the dismissal order and judgment (ECF Nos. 12, 13), reopen the case, and reinstate  
21 the inmate early mediation scheduled for May 24, 2019 (ECF No. 7).

22 **I. CONCLUSION**

23           IT IS ORDERED that the dismissal order and judgment (ECF Nos. 12, 13) are vacated.

1 It is further ordered that the Clerk of the Court shall reopen this case; reinstate the  
2 application to proceed *in forma pauperis* (ECF No. 1) as an active, pending motion; and reinstate  
3 the inmate early mediation conference set for May 24, 2019 (ECF No. 7).

4 Dated: May 17, 2019.

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7 ANDREW P. GORDON  
8 UNITED STATES DISTRICT JUDGE  
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